GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.
WRIT PETITION NO. 4764 OF 2000

Office Notes, Office Memorada orders or directions and Registrar‘s orders.	Court‘s or Judge‘s Orders.
	Shri A.V. Anturkar for the petitioner. Mrs.S.S. Bendhe AGP for the State.

CORAM; V.G. PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DTAED; 12TH JANUARY, 2005.

P.C.

1. By this petition, the petitioner has challenged the Notification under section 4 of the Land Acquisition Act 1894 on the ground that provisions of Sections 14 and 15 are not made applicable to the area in question while issuing Notification under section 11 of the Re-settlement Act of 1976. This is therefore an objection raised to the capacity or jurisdiction of the acquiring body to proced under section 4 and thereafter to acquire land

for alleged public purpose. It is therefore a valid objection, which can be raised under section 5(a) of the Land Acquisition Act 1894 before the appropriate acquiring authority. Thereafter the provisions of section 5(a) will take care of the hearing of this petition. Consequently the petition as framed today is pre-mature. It is accordingly disposed of.

2. In view of the above, the civil application is also disposed of.

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